

From: [Tina Laidlaw](#)
To: [Suplee, Mike](#)
Subject: Fw: Link to CO Variance Details
Date: 05/30/2012 02:20 PM

Here is the link to CO's variance policy. Their language is pretty simple: see page 14.

I'm also wondering if you could make sure some of the language from their first paragraph was included in your rules/ circular to address EPA's concerns re. lagoons?

Criteria for Granting a Discharger-Specific Variance

Variances to numeric standards are authorized **only where a comprehensive alternatives analysis demonstrates that there are no feasible alternatives that would allow for the regulated activity to proceed without a discharge that exceeds water quality-based effluent limits.** In addition, an applicant for a variance must satisfy both of the following criteria.

- (i) Tests to Determine the Need for a Variance [Pretty basic language below - straight from EPA's regulations]
- c) Other Consequences: Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place.

Wyoming policy language coming to you next.

Tina

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----- Forwarded by Tina Laidlaw/MO/R8/USEPA/US on 05/30/2012 01:33 PM -----

From: Dave Moon/R8/USEPA/US
To: Tina Laidlaw/MO/R8/USEPA/US@EPA
Date: 05/30/2012 10:28 AM
Subject: Link to CO Mixing Zones

[http://www.cdphe.state.co.us/regulations/wqccregs/31_2012\(01\).pdf](http://www.cdphe.state.co.us/regulations/wqccregs/31_2012(01).pdf)

Pages 14-15: The discharger-specific variance policy adopted in 2010

Pages 45-46: Additional rule language on how to write a permit for a segment where a variance has been adopted

Pages 190-192: The portion of the 2010 Statement of Basis and Purpose regarding

variances.

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